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8 **IN THE UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 Clarence Wayne Dixon,
11
12 Petitioner,

13 v.

14 David Shinn, et al.,
15
16 Respondents.

No. CV-14-00258-PHX-DJH

**CRIME VICTIM'S OBJECTION TO
INMATE DIXON'S MOTION FOR
STAY OF EXECUTION**

17 Crime Victim, Leslie James, by and through undersigned counsel, hereby objects
18 to Inmate Dixon's *Motion for Stay of Execution*.

19 Ms. James is the sister of Deana Bowdoin. Inmate Dixon raped and murdered
20 Deana in January of 1978. Under Arizona's implementing statutes to its Victims' Bill of
21 Rights (VBR), Ms. James is a victim. A.R.S. § 13-4401.19 (defining a sibling of a person
22 who is killed or incapacitated to be a victim). Under the federal Crime Victim's Rights
23 Act (CVRA), 18 U.S.C. § 3771, "the court shall ensure that a crime victim is afforded
24 the rights described in paragraphs (3), (4), (7), and (8) of subsection (a)" in federal
25 habeas corpus proceedings arising out of a state conviction. 18 U.S.C. § 3771(b)(2).
Inmate Dixon's *Motion for Stay of Execution* implicates Ms. James' "right to

proceedings free from unreasonable delay” under subsection (a)(7) of the CVRA. 18 U.S.C. § 3771(a)(7).

While the CVRA itself does not define a proceeding, the CVRA does not expressly limit proceedings to court proceedings over other types of proceedings such as Inmate Dixon’s execution.¹ Courts have interpreted the CVRA broadly. *See Gomez v. Shinn*, __ F.3d __, 2022 WL 596800 (D. Ariz. 2022) (in the context of a federal habeas proceeding, the court notes that Congress intended rights under subsection (a)(8) to be broad rights that promote a liberal reading of the statute that favor interpretations that promote victims’ interests); *United States v. C.S.*, 968 F.3d 237, 249 (3rd Cir. 2020) (in the context of subsection (a)(1), the court notes that CVRA provides textually broad

¹ Black’s Law Dictionary also broadly defines a proceedings as: 1. The regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment. 2. Any procedural means for seeking redress from a tribunal or agency. 3. An act or step that is part of a larger action. 4. The business conducted by a court or other official body; a hearing. 5. *Bankruptcy*. A particular dispute or matter arising within a pending case — as opposed to the case as a whole. “‘Proceeding’ is a word much used to express the business done in courts. A proceeding in court is an act done by the authority or direction of the court, express or implied. It is more comprehensive than the word ‘action,’ but it may include in its general sense all the steps taken or measures adopted in the prosecution or defense of an action, including the pleadings and judgment. As applied to actions, the term ‘proceeding’ may include — (1) the institution of the action; (2) the appearance of the defendant; (3) all ancillary or provisional steps, such as arrest, attachment of property, garnishment, injunction, writ of *ne exeat*; (4) the pleadings; (5) the taking of testimony before trial; (6) all motions made in the action; (7) the trial; (8) the judgment; (9) the execution; (10) proceedings supplementary to execution, in code practice; (11) the taking of the appeal or writ of error; (12) the *remittitur*, or sending back of the record to the lower court from the appellate or reviewing court; (13) the enforcement of the judgment, or a new trial, as may be directed by the court of last resort.” Edwin E. Bryant, *The Law of Pleading Under the Codes of Civil Procedure* 3–4 (2d ed. 1899). *Black’s Law Dictionary* (11th ed. 2019).

rights). Further, the CVRA was “enacted to make crime victims full participants in the criminal justice system... our interpretation puts crime victims on the same footing. Our interpretation also serves to effectuate other statutory aims: (1) To ensure that the district court doesn't discount the impact of the crime on the victims; (2) to force the defendant to confront the human cost of his crime; and (3) to allow the victim ‘to regain a sense of dignity and respect rather than feeling powerless and ashamed.’” *Kenna v. U.S. Dist. Ct. for C.D. Cal.*, 435 F.3d 1011 (9th Cir. 2006) (in the context of the right to be heard at sentencing, the court noted purpose of the CVRA) *quoting* Jayne W. Barnard, *Allocution for Victims of Economic Crimes*, 77 Notre Dame L. Rev. 39, 41 (2001).

Based on the broad interpretation and purpose of the CVRA, Ms. James may object to Inmate Dixon’s *Motion for Stay of Execution* so that the imposition of punishment will not be unreasonably delayed any further. As the State of Arizona will undoubtedly advise this Court, Inmate Dixon’s competency has been unsuccessfully litigated in the past. Ms. James sister, Deana, was murdered over forty-four years ago. Inmate Dixon was not held accountable for close to twenty-five years. It then took approximately five years to get the case to trial. After being convicted and sentenced to death, it took over twelve years for Inmate Dixon to exhaust his appellate remedies. It has been nearly two years since his remedies have been exhausted. Ms. James would like a close to the criminal proceedings—one that can only come from the imposition of punishment.

Ms. James respectfully asks this Court to deny Inmate Dixon’s *Motion for Stay of Execution*.

Respectfully Submitted May 9, 2022.

By /s/Colleen Clase
Colleen Clase
Attorney for Crime Victim

1 I hereby certify that on May 9, 2022, I electronically filed the above request with the
2 Clerk's Office using the CM/ECF system. All participants in the case are registered users
and service will be accomplished through the CM/ECF system.

3 CLERK'S OFFICE

4 United States District Court
5 Sandra Day O'Connor Courthouse
6 401 W. Washington Street,
Phoenix, Arizona 85003-2118

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9 By_/s/Colleen Clase_____
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11 Attorney for Crime Victim
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